IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 3093 of 1995

Between:

K.Seshu Reddy son of Ramana Reddy

Aged about 51 yrs, r/0 Nellore.

..... PETITIONER

AND

1.A.P.State Electricity Board, rep. by

its Member Secretary, Vidyut souda, Hyderabad.

2.The Superintending Engineer, APSEB, Assessments,

Cuddapah-4 ,Cuddapah dist.

3.The Divisional Engineer, APSEB, Asessments

Division,Cuddapah-2, Cuddapah dist.

4.The Assistant Divisional Engineer, APSEB

Operation, Town-I, Sub-division, Nellore,

Nellore dist.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, more particularly in the nature of a Writ of Certiorari calling for the records from the respondents 2 and 3 relating to their orders made in proce- edings No.SE/A/CDP/FAO/D.No.19/D.NLR/Dated27-1-95/F.No.5/ 93-94 and proceedings Lr.No.DE/A/CDP/F.No.30-93/NLR (O) Town-I/Cat.II/E.O./D.No.721/93 dated 17-8-1993 respectively and quash the same and consequently declare that the petitioner is not liable to pay any amount towards the provisional assessment value of the alleged pilferage of energy for the service connection No.40761 at Town Hall Section, Nellore.

Counsel for the Petitioner: MR.V.RAVINDER RAO

Counsel for the Respondents: SMT.M.VINOBA DEVI, STANDING COUNSEL FOR APSEB

The Court made the following :

ORDER

Heard both sides.

In this Writ Petition, the petitioner seeks to assail the orders rejecting the appeal by the 2nd respondent herein. However, as against the said orders, the petitioner has got right of further appeal to the Chief Engineer concerned as per clause 22.3.3.4 of the terms and conditions of supply. Having regard to the same and especially in view of the alternative remedy available, the Writ Petition is not maintainable.

Accordingly, the Writ Petition is dismissed with a liberty to the petitioner to file an appeal before the competent appellate authority within a period of four (4) weeks from today and on receipt of which, the same shall be disposed of on merits in accordance with law after giving notice and opportunity to the petitioner. It is further made clear that pending disposal thereof, the respondents shall not proceed to recover any amount under the impugned demand subject to condition that the petitioner depositing a further sum of Rs.10,000/- within a period of four (4) weeks from today. No costs.

18-11-2004.

Hsd

Assistant Registrar

To

1.The Member Secretary, A.P.State Electricity Board, Vidyut souda,

Hyderabad.

2.The Superintending Engineer, APSEB, Assessments,

Cuddapah-4 , Cuddapah dist.

3.The Divisional Engineer, APSEB, Asessments

Division,Cuddapah-2, Cuddapah dist.

4.The Assistant Divisional Engineer, APSEB

Operation, Town-I, Sub-division, Nellore,

Nellore dist.

5.2 C.D. copies.